

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EUGENE F. MATTHEWS,

Plaintiff,

Case No. 10-11894

v.

Hon. John Corbett O'Meara

ONE WEST BANK, *et al.*,

Defendants.

/

**ORDER GRANTING APPLICATION TO PROCEED
IN FORMA PAUPERIS AND DISMISSING COMPLAINT**

Plaintiff Eugene Matthews filed his complaint on May 11, 2010, and has also requested *in forma pauperis* status, the appointment of counsel, and a temporary stay of execution. The court finds Plaintiff's application to proceed *in forma pauperis* to be facially sufficient and, therefore, grants Plaintiff's motion to proceed without prepayment of fees. See 28 U.S.C. § 1915(a); Gibson v. R.G. Smith Co., 915 F.2d 260, 262 (6th Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court "shall dismiss" the case if the court finds that it is "(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B). A complaint is frivolous under § 1915 if it lacks an arguable basis in law or fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989); Wilson v. Yaklich, 148 F.3d 596, 600 (6th Cir. 1998) (stating that complaints can be dismissed as frivolous "only when the claim is 'based on an indisputably meritless legal theory,' or where a complaint's 'factual contentions are clearly baseless'").

It is not clear what causes of action Plaintiff intends to pursue, as he has not set forth a “short and plain statement of the claim showing that [he] is entitled to relief” as required by Federal Rule of Civil Procedure 8(a)(2). Rather than presenting any factual allegations, he has attached correspondence between himself and his mortgage lender. Plaintiff also seeks a stay, based upon the contention that a “sheriff will move me from my home on May 18, 2010.” Plaintiff also requests “a free and clear title to our house” and money damages. The court surmises that Plaintiff’s home may be in foreclosure.

Although the court sympathizes with Plaintiff’s circumstances, it is clear that the relief sought by Plaintiff cannot be granted by this court. Construing Plaintiff’s submissions liberally, in light of his *pro se* status, the court finds that Plaintiff has neither alleged a federal cause of action nor any other basis for this court’s jurisdiction. Plaintiff’s complaint fails to state a claim.

Therefore, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* is GRANTED.

IT IS FURTHER ORDERED that Plaintiff’s complaint is DISMISSED.

s/John Corbett O’Meara
United States District Judge

Date: May 13, 2010

I hereby certify that a copy of the foregoing document was served upon Plaintiff on this date, May 13, 2010, by ordinary mail.

s/William Barkholz
Case Manager